

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Jeffrey Gilbert

v.

Case No. 04-cv-327-PB

Atlantic Trust Co.

ORDER

Re: Document No. 26, Second Motion for Judgment
on the Pleadings

Ruling: I have already rejected Count VI based on the plaintiff's failure to plead fraud with particularity. If plaintiff contends that this ruling was in error, he shall file a motion to reconsider on or before October 15, 2005. The Magistrate Judge's order vacating my ruling on this motion is vacated. The second motion for judgment on the pleadings is denied as moot.

/s/ Paul Barbadoro
Paul Barbadoro
District Judge

Date: October 4, 2005

cc: Michael Harvell, Esq.
John-Mark Turner, Esq.
Martha Van Oot, Esq.